SUBJECTS.

31. The desirability of fixing a consolidated amount of 100 fanams as the institution fee in suits for the cancellation of pattas, in modification of Civil Circular No. 14 of 1068.

Mr. N. G. Parameswaran Pillai (Member, Mavelikara taluk) said that, at present, the institution fee for the cancellation of pattas was levied on the value of the property. A simple mistake of the Settlement authorities in issuing a patta in a wrong name involved the wastage of a large sum of money for the cancellation of the patta. Under the British Court Fees Act, the institution fee was Rs. 10 in suits for the declaration of title to property, when not accompanied by a prayer for any consequential relief. He also referred to the Bill amending the Court Fees Regulation, in which provision was made for an institution fee of Rs 10 in suits "to alter "or cancel any entry in a register of the names of proprietors "of revenue paying estates"; but he was doubtful if the suits contemplated in the above provision should not be brought within one year. Many pattas still remained to be cancelled, as people believed that there was a time-limit of 12 years. The Member prayed that, if the provision applied only to suits to be brought within one year, Rs. 10 should be fixed as the fee to be levied for suits for the declaration of title, as in British India, or that the suits for the cancellation of pattas be permitted to be brought within 12 years with a fixed fee.

Dewan's reply.—The law has been only recently amended. I am afraid that it is not practicable to amend it again now.

32. The acceptance by the Civil Courts of copies of documents presented with the originals after comparison.

Mr. K. A. Krishna Pattar (Member, Quilon Trading Classes) said that the account books such as the *Nalvazhi* and the *Peradu* were needed by the merchants for everyday use and that their delayed return by the Courts, where they had been produced in connection with some cases, caused great inconvenience. Not only did tampering with the records take place through the influence of interested parties, but some of the suits to be brought with reference to the accounts became time-barred. To obviate these difficulties, the Member suggested that the parties or witnesses presenting account books should be allowed to produce copies of the same as well, and the books should be returned to the parties after comparing the copies with the originals.

Dewan's reply.—The High Court object to the copies being prepared by the parties and they say that all copies should be prepared in the Court itself. The request is for account books being treated differently from other documents. The High Court will be addressed on this aspect of the question.

33. Mahomedans should be exempted from attendance in Courts on Fridays.

Mr. Kochu Hassan Kunju (Member, Nominated) spoke on the need for observing Friday as a holiday for the Mahomedans and requested that orders be issued for exempting them from attendance in Courts on Fridays. He

LIBRARY ARCHIVES Kerala Legislative Assembly

SUBJECTS.

observed also that this subject was brought forward at the last Assembly, but that nothing had been done in this direction.

Dewan's reply.—Noted.

34. Establishment at Thodupuzha of either a Munsiff's Court or the appointment of a Magistrate-Munsiff or the transfer of the civil jurisdiction of the taluk to Muvattupuzha from Meenachil.

Mr. Ouseph Eippa (Member, Thodupuzha taluk) said that he was glad to learn, since submitting his memorandum of subjects, that the Government had been pleased to order the re-transfer of the civil jurisdiction of the taluk to Muvattupuzha, as before, with effect from Edavam next, and that he, on behalf of the people, thanked the Government for the same.

Establishment of a Munsiff's Court at Alwaye and the shifting of the District Court from Parur.

Mr. Kunju Kadir Pillai (Member, Alengad taluk) stated that it was on account of the great inconvenience to the people of the adjoining places to conduct their cases at Parur, that he wanted to have a Munsiff's Court at Alwaye; but now the sanctioning of a Munsiff's Court at Perumbavur, having jurisdiction over Alwaye, Edapally, Trikakara, Kothakulangara and Changamanad, had made matters worse. Perumbavur was more distant to them and more difficult to reach in monsoon time than Parur. Alwaye could be easily reached by train, and, as such, a Munsiff's Court at Alwaye would greatly lessen the hardships of the people. The Member urged the shifting of the District Court to Alwaye on two grounds—(1) that Alwaye was the centre of the taluks of Alengad, Kunnatnad, Muvattupuzha, Thodupuzha and Vaikom, and (2) the Court had originally been at Alwaye.

Dewan's reply.—Noted.

Either the establishment of a Munsiff's Court at Ettumanur, or the investiture of the local Magistrate with the powers of a Munsiff.

Mr. Parameswaran Pillai (Member, Ettumanur taluk) said that there existed originally at Ettumanur a Munsiff's Court, which was shifted to Kottayam in 1039, and till 1056 this Court was called the Ettumanur Court. Afterwards, when the work became heavy, this Court became the Principal Munsiff's Court and an Additional Court was also established. The increase of work was due to the increase of suits from Ettumanur and its vicinity. The Member therefore prayed that either the Additional Court should be transferred to Ettumanur or that a Magistrate-Munsiff be appointed at Ettumanur.

Dewan's reply.—Noted.

Establishment of a Munsiff's Court at Changanacheri by shifting the Additional Munsiff's Court at Thiruvella.

Mr. Uthuppan Thoma (Member, Changanacheri taluk) stated that certain *pakuthies* under the jurisdiction of the Principal and the Additional Courts of Thiruvella had been, in the recent judicial reorganisation, transferred to Kottayam and Alleppey. Changanacheri was a place of importance, and as the *pakuthies* referred to were lying near it, the

LIBRARY ARCHIVES Kerala Legislative Assembly